



**State of Vermont
Public Service Board**

NOTICE

To: Docket 8167 e-mail service list; Net-metering rule e-mail service list; Docket 7873 e-mail service list; Docket 8550 e-mail service list

From: Holly Anderson, Deputy Clerk of the Board 

Re: Request for Proposals and Comments for implementing temporary sound-level standards for wind generation projects

Date: June 14, 2016

The Vermont Public Service Board ("Board") hereby requests proposals and comments from the public to guide the development of a temporary rule for sound levels from wind generation facilities.

On June 13, 2016, S.260 was signed into law. Section 12(b) of S.260 reads as follows:

(b) On or before 45 days after the effective date of this section, the Board shall adopt temporary rules on sound levels from wind generation facilities using the process under 3 V.S.A. § 844. The rules shall be effective on adoption and shall apply to applications for such facilities under 30 V.S.A. § 248 filed on or after the effective date of this section. Until the Board adopts temporary rules pursuant to this subsection (b), the Board shall not issue a certificate of public good for a wind generation facility for which an application is filed on or after the effective date of this section.

(1) The standard under 3 V.S.A. § 844(a) regarding imminent peril to public health, safety, or welfare shall not apply to the rules to be adopted under this subsection. This subsection employs the process set forth in 3 V.S.A. § 844 solely for the purpose of using an existing rulemaking procedure to adopt temporary rules in a short time frame.

(2) With respect to sound levels from wind generation facilities, these rules shall state:

- (A) standards that apply to all such facilities;
- (B) a methodology for determining sound levels and measurement locations for each such facility on a case-by-case basis; or
- (C) standards that apply to one or more categories of such facilities, with a methodology for determining sound levels and measurement locations for other such facilities on a case-by-case basis.

(3) These rules shall not allow sound levels that exceed the lowest maximum decibel levels authorized in any certificate of public good that contains limits on decibel levels issued by the Board for a wind generation facility before the effective date of this section. For the purpose of this subdivision (3), there shall be two categories of wind generation facilities:

- (A) facilities with a plant capacity as defined in 30 V.S.A. § 8002 of 500 kilowatts (kW) or less; and
- (B) facilities with a plant capacity as defined in 30 V.S.A. § 8002 greater than 500 kW.

(4) Notwithstanding 3 V.S.A. § 844(b), rules adopted pursuant to this subsection (b) shall remain in effect until the earlier of the following:

- (A) the effective date of permanent rules finally adopted under subsection (a) of this section; or
- (B) the July 1, 2017 deadline stated in subsection (a), as it may be extended pursuant to that subsection.

The Board invites the public to file specific proposals for implementing temporary rules for sound levels from wind generation facilities under Section 12(b). Such proposals should explain how they meet the requirements contained in S.260. Proposals should also contain specific decibel levels for each category under Section 12(b)(3) and explain the grounds that authorize these levels under that section.

Proposals should be submitted to the Board no later than **June 27, 2016**, with comments on proposals due to be submitted by **July 6, 2016**. An original and six copies of any proposal should be filed with the Clerk of the Board, and should also be submitted electronically to the Clerk's email address at psb.clerk@vermont.gov. Electronic filings should be submitted in a format that is searchable and extractable. The proposals will be posted to the Board's website at the following link:
<http://psb.vermont.gov/statutesrulesandguidelines/proposedrules/temporaryrulesonwindgenerationsound>

Individuals and organizations who wish to be included in the service list for this proceeding must file a notice of appearance with the Clerk of the Board by no later than **June 24, 2016**. A copy of the service list will be available on the Board's website at the address listed above. All proposals and comments should be sent to the entire service list.